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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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CONSTANTINO CUARA RODRIGUEZ,

Plaintiff,

v.

LDS CHURCH, et al.,

Defendants.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:22-cv-00769-RJS-CMR

Chief District Judge Robert J. Shelby

Magistrate Judge Cecilia M. Romero

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Plaintiff Constantino Cuara Rodriguez, proceeding in forma pauperis,<sup>1</sup> filed his Complaint on December 13, 2022.<sup>2</sup> In the Complaint, Rodriguez accuses Defendant “LDS or Mormon Church” of, among other things, “stolen lands of this country worldwide” and “building there [sic] own private banks,” relying on 18 U.S.C. § 1030.<sup>3</sup> He repeats these accusations against Defendants “Roman Catholic Church” or “Roman Catholic Diocese” and further alleges they are “Enemies of this country and commonwealth.”<sup>4</sup> In turn, Rodriguez alleges these actions have caused him “lots of mental diseases,” and have some nexus with “9/11” where he “was the owner of those buildings new york state [sic].”<sup>5</sup> For relief, he requests his “government account,” a “militia government composition,” and “rebuild Latin Catholic Church with Latin book of Codes and Rules” pursuant to 10 U.S.C. § 246.

On December 15, 2022, Rodriguez’s case was referred to Magistrate Judge Cecilia M.

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<sup>1</sup> Dkt. 7, *Order Granting Motion for Leave to Proceed in Forma Pauperis*.

<sup>2</sup> Dkt. 2, *Civil Rights Complaint*.

<sup>3</sup> *Id.* at 3.

<sup>4</sup> *Id.* at 3–4.

<sup>5</sup> *Id.* at 3.

Romero pursuant to 28 U.S.C. § 636(b)(1)(B).<sup>6</sup> Judge Romero promptly granted Rodriguez's request to proceed in forma pauperis and recommended the court "dismiss the complaint as frivolous and failing to state a claim upon which relief may be granted," consistent with DUCivR 3-2(b) and 28 U.S.C. § 1915.<sup>7</sup> Judge Romero advised Rodriguez of his right to object to the Report within fourteen days of service, pursuant to Federal Rule of Civil Procedure 72(b).<sup>8</sup> Judge Romero further cautioned that "[f]ailure to object may constitute a waiver of objections upon subsequent review."<sup>9</sup>

Federal Rule of Civil Procedure 72(b)(2) allows parties to file "specific written objections to the proposed findings and recommendations" within fourteen days after being served with a copy of the recommended disposition. When no objections are filed, the Supreme Court has suggested no further review by the district court is required, but nor is it precluded.<sup>10</sup> This court reviews for clear error any report and recommendation to which no objections have been raised.<sup>11</sup>

Several weeks have now passed since the Report was filed and the court has not received any objections from Rodriguez. Accordingly, this court reviews the Report for clear error. Having carefully considered the Report, the court finds no clear error. Thus, the court ADOPTS

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<sup>6</sup> Dkt. 6, *Minute Entry Referring Case*.

<sup>7</sup> Dkt. 9, *Order Granting IFP and Recommendation for Dismissal (Report)*, at 1.

<sup>8</sup> *Id.* at 4.

<sup>9</sup> *Id.*

<sup>10</sup> See *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("The [Federal Magistrate's Act] does not on its face require any review at all, by either the district court or the court of appeals, of any issue that is not the subject of an objection.").

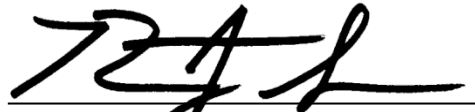
<sup>11</sup> See, e.g., *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) ("If no objection or only partial objection is made [to a magistrate judge's report and recommendation], the district court judge reviews those unobjected portions for clear error.") (citations omitted); see also Fed. R. Civ. P. 72(b) Advisory Committee's Note to 1983 Amendment ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.") (citing *Campbell v. U.S. Dist. Court for N. Dist. of Cal.*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879).

the Report in full. For the reasons set forth in the Report, Rodriguez's Complaint is  
DISMISSED as frivolous and for failing to state a claim upon which relief may be granted.<sup>12</sup>

The Clerk of Court is directed to close this case.

SO ORDERED this 10th day of January, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. J. Shelby', written over a horizontal line.

ROBERT J. SHELBY  
United States Chief District Judge

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<sup>12</sup> See Report at 2 (explaining that when a party proceeds in forma pauperis, the court may dismiss the action at any time it determines the Complaint fails to state a claim upon which relief can be granted) (citing 28 U.S.C. § 1915(e)(2)).